

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:06-cr-0179-SEB-DML
	)	
CHARLES LEE MITCHELL,	)	
	)	
Defendant.	)	- 01

**REPORT AND RECOMMENDATION**

On October 29, November 2, and 9, 2018, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on October 15, 2018 and a supplemental petition filed on October 31, 2018. Defendant Mitchell appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia White.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Mitchell of his rights and provided him with a copy of the petition. Defendant Mitchell orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Mitchell admitted violation 2. [Docket No. 2.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<b><u>Violation Number</u></b>	<b><u>Nature of Noncompliance</u></b>
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- |   |  |
|---|--|
| 2 | <b>“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from the unlawful use of a controlled substance.”</b> |
|---|--|

On September 18, 2018, the offender provided a urine sample which yielded positive for marijuana.

4. The government moved to dismiss violations 1, and 3 and the same granted.

5. The parties stipulated that:

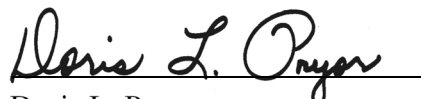
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

6. Parties jointly recommended a sentence of thirty-six (36) months with no supervised release to follow. Defendant requested placement at a facility closest to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of thirty-six (36) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at a facility closest to Indianapolis, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 11/26/2018

A handwritten signature in black ink, reading "Doris L. Pryor", is written over a horizontal line.

Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

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